

SANDERS LAW, PLLC

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File No.: 103519

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BWP Media USA Inc.,

Plaintiff,

vs.

KIDZ BOP LLC,

Defendant(s).

Docket No:

DEMAND FOR JURY TRIAL

COMPLAINT FOR:

1) COPYRIGHT INFRINGEMENT

BWP Media USA Inc. d/b/a Pacific Coast News, by and through its undersigned counsel, states and alleges as follows:

INTRODUCTION

1. Plaintiff BWP Media USA Inc. d/b/a Pacific Coast News ("BWP") provides entertainment-related photojournalism goods and services. In particular, BWP owns the rights to a multitude of photographs featuring celebrities, which it licenses to online and print publications.
2. BWP's portfolio of celebrity photographs is the bread and butter of its business.
3. BWP has obtained U.S. copyright registrations covering many of its photographs, and others are the subject of pending copyright applications.
4. Defendant KIDZ BOP LLC owns and operates a website known as www.kidzbop.com.
5. Without permission or authorization from BWP, KIDZ BOP LLC copied, modified, and displayed BWP's photograph(s) on KIDZ BOP LLC's website www.kidzbop.com.

6. KIDZ BOP LLC engaged in this misconduct knowingly and in violation of the United States copyright laws.

7. BWP has been substantially harmed as a result of KIDZ BOP LLC's misconduct.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over the federal copyright infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331. The Court has supplemental jurisdiction over the claims arising under state law pursuant to 28 U.S.C. §1367(a) in that the state claims are so related to the claims over which the court has original jurisdiction that they form part of the same case or controversy.

9. This Court has personal jurisdiction over KIDZ BOP LLC because KIDZ BOP LLC maintains its principal place of business in New York County, New York and purposely directs substantial activities at the residents of New York by means of the website described herein.

10. Venue is proper under 28 U.S.C. §1391(a)(2) because KIDZ BOP LLC does business in this Judicial District or because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

PARTIES

11. BWP is a California Corporation and maintains its principal place of business in Los Angeles County, California.

12. On information and belief, KIDZ BOP LLC, a Limited Liability Company with a principal place of business in New York County, New York is liable and responsible to Plaintiff based on the facts herein alleged.

FACTUAL ALLEGATIONS

BWP's Business

13. BWP provides entertainment-related photojournalism goods and services. In particular,

BWP owns the rights to a multitude of photographs which it licenses to online and print publications.

14. BWP has invested significant time and money in building its photograph portfolio.

BWP's Copyrights

15. BWP has obtained U.S. copyright registrations covering many of its photographs, and others are the subject of pending copyright applications.

16. BWP's photographs are original, creative works in which BWP owns protectable copyright interests.

17. BWP owns several active and valid copyright registrations with the United States Copyright Office (the "USCO"), which registrations cover BWP's photographs.

18. BWP also has filed several copyright applications with the USCO, which are presently pending.

19. BWP applied for and received [a] copyright registration(s) for a collection(s) of photographs, which included the photograph(s) annexed hereto as Exhibit(s) "1" (the "Photograph(s)").

KIDZ BOP LLC's Website

20. On information and belief, KIDZ BOP LLC is the registered owner of the website located at www.kidzbop.com (the "Website"). On information and belief, KIDZ BOP LLC operates the Website and is responsible for all Website content.

21. The Website provides, *inter alia*, articles, photographs and other information regarding celebrities.

22. The Website is monetized in that it contains paid advertisements. On information and belief, KIDZ BOP LLC profits from these activities.

KIDZ BOP LLC's Misconduct

23. Without permission or authorization from BWP, KIDZ BOP LLC copied, modified, and/or displayed the Photograph(s) on the Website, in violation of BWP's copyrights. See Exhibit "1" annexed hereto.

24. On information and belief, the Photograph(s) were copied from the website(s) of BWP's Clients and reposted on the Website without license or permission, thereby infringing on the Copyrights (the "Infringement(s)").

25. On information and belief, KIDZ BOP LLC was aware of facts or circumstances from which the Infringement(s) was/were apparent. Based on this totality of circumstances, KIDZ BOP LLC cannot claim that it is not aware of the widespread infringing activities, including the Infringement(s), on the Website. Such a claim would amount to willful blindness to the Infringement(s) on the part of KIDZ BOP LLC.

26. On information and belief, KIDZ BOP LLC engaged in the Infringement(s) knowingly and in violation of United States copyright laws.

27. On information and belief, KIDZ BOP LLC has received a financial benefit directly attributable to the Infringement(s). Specifically, by way of the Infringement(s), KIDZ BOP LLC increased traffic to the Website and, in turn, realized an increase in, its advertising revenues and/or merchandise sales.

28. As a result of KIDZ BOP LLC's misconduct, BWP has been substantially harmed.

FIRST COUNT

(Copyright Infringement, 17 U.S.C. § 501 *et seq.*)

29. BWP repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

30. The Photograph(s) are original, creative works in which BWP owns protectable copyright interests.

31. BWP has not licensed KIDZ BOP LLC to use the Photograph(s) in any manner, nor has BWP assigned any of its exclusive rights in the Copyrights to KIDZ BOP LLC.

32. Without permission or authorization from BWP and in willful violation of BWP's rights under 17 U.S.C. §106, KIDZ BOP LLC reproduced the Photograph(s).

33. On information and belief, without permission or authorization from BWP and in willful violation of BWP's rights under 17 U.S.C. § 106, KIDZ BOP LLC displayed the Photograph(s) on the Website.

34. KIDZ BOP LLC's reproduction of the Photograph(s) and display of the Photograph(s) on the Website constitutes copyright infringement.

35. On information and belief, thousands of people have viewed the unlawful copies of the Photograph(s) on the Website.

36. On information and belief, KIDZ BOP LLC had knowledge of the copyright infringement alleged herein and had the ability to stop the reproduction and display of BWP's copyrighted material.

37. KIDZ BOP LLC's copyright infringement has damaged BWP in an amount to be proven at trial.

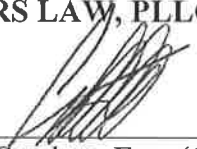
PRAYER FOR RELIEF

WHEREFORE, BWP respectfully requests judgment as follows:

1. That the Court enter a judgment finding that KIDZ BOP LLC has infringed on BWP's Copyrights in the Photograph(s) in violation of 17 U.S.C. § 501 et seq.;
2. That the Court award damages and monetary relief as follows:
 - a. Statutory damages against KIDZ BOP LLC pursuant to 17 U.S.C. § 504(c) of \$150,000 per infringement or in the alternative BWP's actual damages and KIDZ BOP LLC's wrongful profits in an amount to be proven at trial;
 - b. BWP's attorneys' fees pursuant to 17 U.S.C. § 505;
 - c. BWP's costs; and
3. Such other relief that the Court determines is just and proper.

DATED: July 31, 2013

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REQUEST FOR JURY TRIAL

Plaintiff hereby demands a trial of this action by jury.

DATED: July 31, 2013

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EXHIBIT - 1



Photo Owner: BWP Media USA Inc. d/b/a Pacific Coast News
Photo ID Number: 3010577
Date Taken: 07/20/2012
Photo Description: Bella Thorne carrying a shopping bag and a take-out drink cup on the street.
Photo Location: California
Copyright Application Date: 10/05/2012
Application Number: 1-831504183
Copyright Registration Date: 10/05/2012
Registration Number: VA0001836303

Domain: www.kidzbop.com
URL: <http://www.kidzbop.com/fan-pages/Celebrities/bellaD/Bella-Thorne-Daily/photos>
Observed Date: 07/12/2013



Photo Owner: BWP Media USA Inc. d/b/a Pacific Coast News
Photo ID Number: 3010577
Date Taken: 07/20/2012
Photo Description: Bella Thorne carrying a shopping bag and a take-out drink cup on the street.
Photo Location: California
Copyright Application Date: 10/05/2012
Application Number: 1-831504183
Copyright Registration Date: 10/05/2012
Registration Number: VA0001836303

Domain: www.kidzbop.com
URL: <http://www.kidzbop.com/fan-pages/Celebrities/bellaD/Bella-Thorne-Daily/photos>
Observed Date: 07/12/2013